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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic reports of States parties due in 1990

Addendum

UNITED KINGDOM */

[25 October 1990]

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*/ For the ninth and tenth periodic reports submitted by the Government of the United Kingdom and the summary records of the meetings at which such reports were considered, see:

Ninth periodic report - CERD/C/149/Add.7 (CERD/C/SR.793-SR.794);
Tenth periodic report - CERD/C/172/Add.11 and Add.16 (pending consideration).

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Preface

We understand that this report will be considered by the Committee in conjunction with the tenth periodic report. We are accordingly providing an update of the tenth periodic report where appropriate.

Part One

GENERAL

Race Relations Act 1976

1. Since submission of the tenth periodic report, the following major amendments have been made to the Race Relations Act 1976:

(a) Section 137 of the Housing Act 1988 extended section 47 of the Act to enable the Commission for Racial Equality to issue codes of practice, admissible in evidence in court proceedings, in the field of rented housing. Similarly, section 180 of the Local Government and Housing Act 1989, extended section 47 to all forms of housing;

(b) Sections 56 and 58 (5) of the Housing Act 1988 extended section 71 of the Act to cover the Housing Corporation and Housing Action Trusts;

(c) Sections 7 (2) and 7 (3) of the Employment Act 1989 have amended sections 13 and 37 of the Act. Section 13 now extends to discrimination during the course of employment related training as well as at the point of entry and exit. Section 37 has been amended so that any person can offer training for particular work only for persons of a particular racial group or encourage them to take advantage of opportunities for doing that work either in Great Britain as a whole or in a particular part of it. The requirement for designation as a training body by the Secretary of State for Employment has also been removed.

Northern Ireland (To be read with paras. 5 and 6 of tenth report)

2. Following extensive consultations with interested parties, including representatives of both sides of industry, a White Paper ("Fair Employment in Northern Ireland") was presented to Parliament in May 1988. This set out the Government's proposals for legislation and was followed by the publication of the Fair Employment (Northern Ireland) Bill in December of that year. The Bill was subject to full Parliamentary scrutiny and debate and became the Fair Employment (Northern Ireland) Act 1989 on receiving Royal Assent on 27 July 1989. The Act, which came fully into operation on 1 January 1990, and which has considerably strengthened the Fair Employment (Northern Ireland) Act 1976, is the most radical piece of fair employment legislation in the United Kingdom, and probably in western Europe.

3. The 1976 Act had the aims of promoting equality of opportunity and eliminating discrimination. The new Act brings in four additional aims:

(a) The active practice of fair employment by employers;

(b) The close and continuous audit of that practice by new and stronger enforcement agencies;

(c) The use of affirmative action, and goals and timetables, to remedy under-representation;

(d) The use of criminal penalties, and economic sanctions, to ensure good fair employment practice.

READEX FICHE

4. The key provisions of the new Act include:

(a) The establishment of a new Fair Employment Commission and a new Fair Employment Tribunal;

(b) The compulsory registration of employers with the Commission;

(c) The compulsory monitoring of workforces and applicants;

(d) The compulsory review by employers of their recruitment, training and promotion practices;

(e) Mandatory affirmative action, and the setting of goals and timetables, as directed by the Commission;

(f) Making indirect discrimination unlawful (direct discrimination has been unlawful since 1976);

(g) The imposition of both criminal penalties and economic sanctions (loss of grants and contracts) for bad practice; fines of up to £30,000 can be imposed;

(h) The award of up to £30,000 compensation for individual victims of discrimination;

(i) The maintaining by the Commission of a Code of Practice for the promotion of equality of opportunity.

5. Although the Fair Employment (Northern Ireland) Act 1976 is still operative, it has been extensively amended by the Fair Employment (Northern Ireland) Act 1989. That latter Act significantly strengthens the existing 1976 Act which outlawed discrimination in relation to religious belief and political opinion and set up a Fair Employment Agency with incisive investigating powers. These powers are retained by the new Fair Employment Commission, set up under the 1989 Act, which now has a new duty to promote affirmative action by employers. But the new Act gives the Commission many additional powers. For example, it can issue directions related to monitoring, review, affirmative action and goals and timetables. It can also base directions on the good practice recommended in the new Code of Practice. It can disqualify employers from bad practice, bringing them within the scope of the economic sanctions of loss of all public authority (including Government) business and loss of Government grants. It can monitor the compliance of public authorities with this contract compliance régime; and it can seek High Court injunctions to stop the placing of a contract with a disqualified contractor or sub-contractor. It also has a very wide discretion to assist legally individuals taking cases of alleged discrimination to the new Fair Employment Tribunal and, in the same connection, a duty to monitor complaints going to the Tribunal. Regardless of the outcome of such a case the new Commission will be able to inform an employer that action is needed to promote equality and to conclude a voluntary undertaking with that employer. The new Code of Practice, which has been circulated free of charge to every employer, gives comprehensive advice on all aspects of the new legislation.

6. The Fair Employment Commission will have double the resources and staffing of the former Agency. Its senior management has already been

strengthened by the appointment of a new Chief Executive and the creation of additional senior posts. The members of the Fair Employment Commission encompass a very wide range of backgrounds and experience in industry, commerce, trade unionism, law and the public sector.

7. The Fair Employment Tribunal will be a quite separate and distinct judicial body, having powers of adjudication, enforcement and appeal. Its functions will be:

(a) To determine individual complaints of discrimination (formerly the function of the Fair Employment Agency);

(b) To hear appeals against the directions of the Commission; and

(c) To enforce, by means of orders of compliance, undertakings and directions.

8. The Government proposes both to evaluate continuously the impact of the Fair Employment Act and to review it comprehensively after five years. The Commission will play an important part in this process, in particular through regular meetings between its Chairman and the Minister responsible for the economy.

9. Statistics on the education of school children in Northern Ireland were given in the tenth periodic report. These showed a continuing trend of convergence in the levels of qualification achieved by Protestant and Catholic school leavers. As can be seen from Table 1 at Annex A, 16.7 per cent of leavers from Catholic-managed secondary schools (predominantly Catholic pupils) in 1983/84 had two or more "A" levels as compared with 19.8 per cent of leavers from other secondary schools (predominately Protestant pupils). By 1987/88 these proportions had increased to 21.6 per cent and 23.1 per cent respectively. Similarly the proportion of school leavers in 1983/84 with no qualifications was 24.5 per cent in Catholic-managed schools and 18.4 per cent in other schools. By 1987/88 these proportions had decreased to 19.5 per cent and 13.7 per cent respectively.

10. Information about employment levels for 1984/85 was given in the tenth periodic report. More recent figures show that the male unemployment level of Roman Catholics in 1985-1987 was 2.3 times that for Protestants, a drop on the previous figure, as previously Catholic females experienced levels of unemployment approximately one and a half times those of Protestant females. Catholics also have a greater experience of long term unemployment and in addition tend to be over-represented in semi and unskilled occupations.

11. The Committee has previously expressed an interest in the relative representation of Roman Catholics and Protestants in the Civil Service, the judiciary and the police in Northern Ireland. The third report of the Northern Ireland Civil Service's Equal Opportunities Unit showed that as at 1 January 1989, 57.5 per cent of the 23,297 staff in the Non-Industrial Civil Service were Protestant, 35.3 per cent were Roman Catholic, there were 4.4 per cent whose religious affiliation was unknown and 2.8 per cent who were educated outside Northern Ireland. In respect of industrial staff the position at the same date was that out of a workforce of 5,346 persons, 45.4 per cent were Protestant, 31.1 per cent Roman Catholic, the religious affiliation of 21.5 per cent was unknown and 2.1 per cent were educated outside Northern Ireland.

12. Four of the ten High Court judges in Northern Ireland are Roman Catholic, which is in line with the proportion of the Roman Catholics in the community as a whole. Two of the twelve County Court judges are Roman Catholic. In February 1990, six of the seventeen resident magistrates were Roman Catholic. Appointments to the judiciary are by merit alone and it would be illegal to appoint on the grounds of religion. The reason that only two of the County Court judges are Roman Catholic is believed to be the fact that appointment to the County Court usually involves a drop in salary and increases the risk of intimidation. Although precise figures are not available, it is believed that a majority of Senior Crown Counsel are Roman Catholic.

13. The Royal Ulster Constabulary (RUC) is subject to the provisions of the Fair Employment (Northern Ireland) Act 1989. In line with these, an annual return on the religious composition of the force will, from 1990, be submitted to the Fair Employment Commission, which is responsible for monitoring the composition of the work forces in major employers throughout Northern Ireland. The RUC is conscious of the need to ensure that its composition, so far as is possible, is representative of that in the wider community in the Province. It will continue actively to seek to recruit officers from all sections of the community and promotion within the force will continue to be based solely upon merit.

Ethnic breakdown of the population of Great Britain

14. An analysis by ethnic origin of the population of Great Britain is available from the results of the Labour Force Surveys (sample surveys covering private households). The sample size in the 1984 and subsequent annual surveys was smaller than that in the previous biennial surveys, and in order to reduce sampling errors the results from the latest three surveys have been averaged. Annex B shows that the total ethnic minority population increased from an estimated 2.1 million in 1981 to an estimated 2.6 million in 1986-1988, of whom 45 per cent were born in the United Kingdom. An analysis of the population by ethnic origin and nationality is given in annex C, and shows that in 1986-1988 nearly 75 per cent of the total ethnic minority population were British citizens, British Overseas citizens or British Dependent Territories citizens.

15. The need for even more accurate and detailed information on the size, circumstances and geographical distribution of ethnic minority groups than is available from existing sources is recognized. Such information will be of considerable importance in targeting a range of Government funding and initiatives and will be of use to local and health authorities in the provision of relevant services.

16. Following successful testing of an ethnic origin question for the 1991 Census, the Government has decided that this question will be included for the first time in the Census. There has been widespread consultation on the proposal to include the question and on the form it should take. Whilst it is clear that no single form of question will satisfy everyone, the question to be used does represent a broad consensus of opinion and has the support of the Commission for Racial Equality. The categories to be used are: White; Black - Caribbean; Black - African; Black - other (please describe); Indian; Pakistani; Bangladeshi; Chinese; Any other ethnic group (please describe). Information about individuals will not be available from the Census results.

"The Satanic Verses" controversy

17. Since submission of the tenth periodic report, the Committee will be aware that controversy has arisen over the book "The Satanic Verses" by Mr. Salman Rushdie, the contents of which have offended Muslims both in the United Kingdom and abroad. Members of the Muslim community have requested that the book should be banned. The United Kingdom Government does not have the power to ban books, nor would it be right to persuade the publishers to withdraw the book. It would be for the courts to decide whether any criminal offence had been committed or whether there are legal grounds to prevent publication. The Director of Public Prosecutions and the Law Officers have carefully considered the book and concluded that there are no grounds for prosecuting either the author or the publishers of the book. The controversy has caused the Government some concern in view of its implications for community relations. It has however also provided an opportunity for reflection upon the benefits for the ethnic minority communities, in general, of integration and full participation in society and the benefits which society as a whole gains from the contribution of these communities.

Part Two

INFORMATION IN RELATION TO ARTICLES 2 TO 7 OF THE CONVENTION

Introduction

18. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of articles 2-7 of the Convention was contained in the sixth and seventh periodic reports of Her Majesty's Government (CERD/C/66/Add.13 and CERD/C/91/Add.24). Copies of the Race Relations Act 1976 were distributed with the fifth periodic report. The Committee is invited to refer to these earlier reports.

Articles 1 and 2

Race Relations Act 1976

19. The Committee is referred to the detailed description of the provisions of the Act provided in the seventh periodic report. As explained in paragraphs 3 and 4 of the tenth periodic report, the Act now contains a new section 19A following the implementation of the Housing and Planning Act 1986, and section 70 of the Race Relations Act has now been repealed and the law on incitement to racial hatred is contained in Part III of the Public Order Act 1986. In addition, section 47 has been extended to the field of housing by the Housing Act 1988 and the Local Government and Housing Act 1989. Section 71 now covers the Housing Corporation and Housing Action Trusts by virtue of the Housing Act 1988. The Employment Act 1989 has extended section 13 and has also amended section 37 to remove the requirement for designation of a training body by the Secretary of State for Employment and to permit the offering in certain circumstances of discriminatory training (see para. 1 of this report).

Inner Cities Initiative

20. The tenth periodic report highlighted progress on the Government's Inner Cities Initiative since its inception on 6 February 1986. Task Force effort in Birmingham was given a new focus in June 1988 when Handsworth was replaced by a new base in East Birmingham. Since then, as part of the rolling programme, Wolverhampton, Leicester and Preston Task Forces withdrew in 1989 and three new Task Forces opened up in the same year in Deptford (London), Granby/Toxteth (Liverpool) and Bradford. On 28 February 1990, Mr. Douglas Hogg, Minister for Industry and Enterprise, announced that two more Task Forces would be opened in the Wirral and in Derby and the existing Task Force in North Kensington would be extended into a part of the neighbouring borough of Hammersmith and Fulham. Mr. Hogg also announced that the Task Forces in Doncaster and Rochdale would close in Autumn 1990. The Task Forces consist of small teams of civil servants from a variety of Government Departments and people seconded from local authorities, the private sector and voluntary sector. They are managed from a central unit in the Department of Trade and Industry. The Initiative had £19 million of pump-priming funding in 1989/90. Some of the initiatives developed to encourage local enterprise, secure jobs and local people and improve their employability include targeted training, developing schools/industry links, helping small businesses start and grow through advice and better access to

finance and developing the ability of local communities to safeguard their economic future. Many of the projects are tailored to meet the special needs of ethnic minorities.

21. In addition to the Task Forces, there are also the City Action Teams (CATs) referred to in the previous report. The CATs had a budget of over £12 million in the period April 1988 to March 1990. Each CAT co-ordinates, at a local level, the range of Government inner city programmes which aim to increase enterprise, employment and training opportunities for the local population, particularly those from ethnic minority groups, to reduce the number of derelict sites and vacant buildings and to reduce the number of people in acute housing stress. The teams are made up of senior regional officials of the Departments of Trade and Industry, Employment and Environment and are responsible for over £1 billion of Government spending in their areas.

Safer Cities Programme

22. The Safer Cities Programme is a Government-funded crime prevention initiative which is establishing 20 crime prevention projects in urban areas with high crime rates and other social problems. Most of these projects are now operating, and are run by local people on a multi-agency basis, with representatives of ethnic minorities making a direct contribution to decisions on what crime prevention activity should be given priority where they live. The objectives of the Programme are to: reduce crime; lessen the fear of crime; and encourage economic enterprise and community life. Many Safer Cities projects are in inner city areas with a significant ethnic minority population; which means that although the entire community may be expected to benefit from most of this crime prevention work, in some cases ethnic populations will derive the greatest benefit. Project co-ordinators are alert to the need to give special help to those most vulnerable to crime, and this policy is also often to the advantage of ethnic minorities.

23. The Government's Action for Cities initiative was launched in March 1988 with the aim of bringing together and giving a new focus to the comprehensive range of programmes designed to promote regeneration in inner city areas. The priorities for action are to: (a) encourage enterprise and help new and existing business; (b) improve job prospects, by training, educational and other initiatives; (c) improve conditions by tackling dereliction, developing sites and improving housing; (d) make inner city areas safe and attractive places to live and work. The latest report on the Action for Cities initiative entitled "People in Cities" was published on 28 February 1990.

Urban Programme (UP)

24. The Government's objectives for the Urban Programme were outlined in the tenth periodic report. In 1989/90 there were about 1,000 projects specifically directed to benefit ethnic minorities; the cost of these is estimated at £30.5 million, out of a total UP budget of almost £260 million.

Local authorities and race

25. The Local Government Act 1988 introduced a requirement on local authorities, and other public authorities, to exercise their public supply works or service contracts functions without reference to "non-commercial matters". Section 18 of the Act, however, allows an exemption in the field of

race relations as a result of the duties placed on local authorities under section 71 of the 1976 Act. Local authorities are allowed to ask approved written questions at the pre-contract stage and include terms in a draft contract which relate to certain workforce matters if it is reasonably necessary to do so to secure compliance with section 71. 'Section 18 (5) provides that the Secretary of State shall specify the written questions and descriptions of evidence which are to be approved for these purposes. The six questions under section 18 (5), about the steps that tenderers for contracts take to avoid unlawful racial discrimination and to promote equal employment opportunities for ethnic minorities, and their recent record in these respects, were published in the Department of the Environment's Circular 8/88 of April 1988, which gave guidance on Part II of the 1988 Act. The Commission for Racial Equality published in October 1989 an advisory guidance booklet "Local Authorities Contracts and Racial Equality - Implications of the Local Government Act 1988" giving their view of the limits and responsibilities imposed.

Grants under Section 11 of the Local Government Act 1966

26. Grant-aid under section 11 of the Local Government Act 1966 provides financial help to local authorities to employ additional staff to help meet needs among their Commonwealth origin communities which differ from the rest of the community. Grant is at a rate of 75 per cent of approved expenditure. In 1988/89 actual grant spent was £89 million. Estimated expenditure on grant for 1989/90 is approximately £100 million. Around 80 per cent of grant goes on education posts, mainly teachers of English as a second language. The remainder goes to social services, housing, business and employment, environmental health, translation/interpretation and management/ administration. Grant is administered by the Home Office and has been the subject of an efficiency scrutiny. The Government has responded to the scrutiny report with proposals for a new system for administration of the grant to commence in October 1991. The aim is to bring funding within new clearer criteria with more effective use of grant, improved targeting and monitoring and with greater opportunities for input by the voluntary sector. The proposals were published for wide ranging consultation in March 1990 and a final version will be published later in the year.

Policing

Recruitment of ethnic minorities to the police service

27. In England and Wales there were 1,306 police officers from the ethnic minorities on 31 December 1989 - slightly over 1 per cent of the total police strength of 126,110. This represents an increase of 198 on the number of 1,108 ethnic minority officers who were serving on 31 December 1987. The number of ethnic minority officers in Scotland and Northern Ireland remains small.

28. The main initiative for increased recruitment of members of the ethnic minorities must be taken by police forces and the key lies in increased personal contacts between police officers - particularly members of force recruitment departments - and members of the minority communities. The main task of the Home Office is to support these local initiatives by any measures which call for action on a national basis.

29. Since the last report, the following steps have been taken by the Home Office:

(a) HM Inspectors of Constabulary continue to monitor carefully the steps which forces are taking to increase ethnic minority recruitment;

(b) The close relationship between community relations activities in forces and ethnic minority recruitment has been recognized by the appointment of a new Staff Officer to HM Chief Inspector of Constabulary, who will provide the focal point for the co-ordination of community relations policies. His duties will include the provision of advice and guidance to forces on equal opportunities policies and ethnic minority recruitment;

(c) Special advertising campaigns continue to be run for three months each year in the ethnic minority press, using advertisements in the appropriate language;

(d) The results of the advertising campaigns run in the local (English language) newspapers in areas with large minority communities were disappointing. These campaigns have therefore been discontinued and the money which would have been spent on them has been allocated to forces, to support specific local recruitment initiatives;

(e) A circular was issued to all forces in England and Wales in November 1989 about the development and implementation of equal opportunities policies. This is to be followed in April 1990 by a seminar for all officers in England and Wales who are responsible for implementing force equal opportunities policies;

(f) The research project into the initiatives which have been taken by police forces to increase ethnic minority recruitment has been completed. The conclusions drawn from this research are being circulated to all police forces in England and Wales;

(g) We hope to be able to introduce in 1991 a new entrance test for the police service, which will address more directly than the present test the qualities and abilities which are required to do the job of a police officer;

(h) The minimum height requirements for appointment to the police service are to be abolished. Candidates for appointment will instead have to satisfy the chief officer of police that they are physically fitted to perform the duties of a police officer.

30. Policing by consent is regarded as the corner-stone of policing in Britain. What this means in practice is that the police need the trust, confidence and respect of the people they serve if they are to be effective in the maintenance of law and order. In the aftermath of disturbances in certain inner city areas, it was widely recognized that positive steps needed to be taken to improve relations between the police and the community in general and between the police and the ethnic minority communities in particular. Since then, with full Government support, the police have made vigorous efforts to improve community and race relations. The tenth periodic report referred to the measures being taken by the Government to improve consultation between the police and the community, police training and the police complaints procedures. These arrangements have been continued and developed since that time.

Consultation between the police and the community

31. The Committee is invited to refer to the eighth periodic report, where details were given of the nature of police/community consultative arrangements. The Police and Criminal Evidence Act 1984 placed a statutory duty on all police authorities in England and Wales, and on the Commissioner of Police in London, to make arrangements for obtaining the views of local people about policing matters in their area. Consultative arrangements now exist in almost every area of England and Wales. (There are approximately 550 consultative groups in all.) The format of these consultative groups varies according to local circumstances, but generally they consist of local councillors, members of Parliament, community representatives, members of the police authority and the police. Members of the public are encouraged to attend local meetings and contribute to the group's discussions.

32. In August 1989, the Home Office produced a report of its review of police/community consultative arrangements under section 106 of the Police and Criminal Evidence Act 1984. The report notes the importance of flexible consultative arrangements tailored to local circumstances and needs. The good practice guidelines which end the report are therefore designed to be a non-prescriptive but informative summary of possible ways forward for those police authorities which have established consultative groups. The report also notes that an important aspect of improving the effectiveness of groups is publicity. The Home Office is currently working on the production of a "publicity package" for use by police authorities and consultative groups which might contain a leaflet, posters and general advice on publicity for groups. The leaflet will refer to the fact that people from ethnic minority groups are too often under-represented at meetings and indicate that their contribution will be particularly welcome.

33. The statutory consultative arrangements are complemented by a wide range of non-statutory contacts between police and the community. The police continue to put particular effort into liaising with young people and with minority ethnic and religious groups.

Police training

34. The review of recruit training referred to in the ninth periodic report published its final report in 1987. As stated in the tenth periodic report it recommended that a new modular course should be implemented, covering the whole of the two year probationary period, with periods of full-time study interspersed with structured practical experience under supervision; that community and race relations issues and human awareness training should be integrated with the technical and legal content; and that the examination-based assessment process should be replaced with a broader assessment covering community and race relations and the social skills of policing, on the same terms as the factual material. Following successful piloting, the new 31-week module Foundation Course was introduced on a national basis in July 1989. The overall aim of the curriculum (over the full two-year probation period) is to develop the skills and abilities, knowledge and qualities of judgement necessary for the effective performance of the police role within our society.

35. Many police forces continue to make community and race relations an integral part of their management and developmental training, and the Metropolitan Police continues to run its successful policing skills course. In addition new courses have recently been devised whereby all officers promoted to sergeant or inspector rank receive training immediately before or at the time of promotion. Both courses have been devised following extensive research to establish training needs in each rank. Using this research, both courses have been developed to take into account rank and role responsibilities in the light of current issues and developments. These include skills and abilities such as interpersonal and communication skills and, for community issues, the need to be able to develop a rational perspective of the overall police role in society including community and race relations, equal opportunities etc.

36. As part of its programme of "Carousel Courses" a two-week course entitled "Police and Ethnic Minorities" is run six times a year at the Police Staff College, Bramshill. The course is offered for divisional and sub-divisional commanders and their deputies, and particularly for those in areas with significant ethnic minority communities. About half of the sessions are devoted to talks from outside speakers and the remainder are used for discussion and exercises. Each course is attended by about 26 officers varying in grade from chief inspector to chief superintendent.

37. Following the closure of the Government-funded Centre for the study of Community and Race Relations at Brunel University in November 1988, the Home Office established a new unit to provide specialist support to the police in community and race unit relations training. This unit, run by Equalities Associates Ltd., a leading training and consultancy company in the field of equal opportunities and race relations, started work in June 1989. One of the main tasks of the unit is to develop community and race relations training strategies as an integral part of police training strategies throughout the country. Its other tasks will be to train police trainers and to establish a resource bank of training material on community and race relations. It will also facilitate the input of outside contributors to police training and provide advice and assistance about community and race relations to individual forces. The Government continued to support national courses run by the Derbyshire Police Training School and by Manchester University. Both courses have been recently reviewed and improved.

Racial attacks

Police

38. The Government continues to believe that racial attacks and harassment are one of the most serious manifestations of racial hatred and intolerance and that the efforts, by the police and other authorities, to combat this problem must be sustained and further refined.

39. Since the tenth periodic report, there have been a number of initiatives to improve the response to racial harassment and attacks, at a national level, and many more involving individual police forces. The main developments in this area are given below.

40. The tenth periodic report mentioned the establishment of an Inter-Departmental Committee - the Racial Attacks Group. This was established following a recommendation of the House of Commons Home Affairs Sub-Committee

on Race Relations and Immigration who inquired into racial attacks and harassment in 1986, that the scope for greater co-operation between the police and other agencies in preventing and dealing with racial harassment should be explored. The Group published their report in May 1989 (copy attached at annex D). The report provides detailed best practice guidelines not only for the police but also for local housing departments, education authorities, prosecuting authorities, social services and voluntary groups. To date, the report has been distributed to all police forces with a circular stressing the importance of the police role, to all local education authorities and local authorities and to more than 6,000 interested private individuals and bodies throughout the country. The Home Office is actively considering, in conjunction with colleagues from other departments, how best to monitor the implementation of the Group's recommendations.

41. In April 1989 the Home Office issued guidance to all chief officers of police signalling the importance Ministers attach to the aggravating factor of racial motivation in minor assaults and that the police should therefore investigate such incidents with a view to obtaining evidence for a more serious offence than common assault, such as assault occasioning actual bodily harm or an appropriate public order offence. The Crown Prosecution Service issued complementary guidance to their staff, who take the final decisions on prosecutions.

42. The Government has received a repeat of the 1981 Home Office study of the incidence and nature of racial attacks which, despite some data-collection problems, suggests that the total number of inter-racial incidents may have decreased overall, but that Asians continue to be the most frequent victims of racially motivated incidents. However, the Government does not underestimate the problems caused by under-reporting of such incidents by victims. Furthermore analysis is to be undertaken of data produced by the British Crime Survey - which had a boosted sample of ethnic minority respondents and asked them about the range and frequency of their experience of victimization. For each incident they were asked whether they believed it was racially motivated and whether they had reported it to the police. The analysis of this data is expected within the next year and it may provide further useful information on the national extent of racial attacks and harassment and the extent to which those attacks or harassment are reported to the police.

43. The Home Affairs Committee has also, since the tenth periodic report, followed up its original 1986 report. It requested evidence from the police: Association of Chief Police Officers and from the Metropolitan Police. The Committee also requested detailed evidence from the Home Office on developments since it last reported and the responses to its 1986 recommendations. The Committee recognized that there had been progress since 1986 and highlighted areas where the impetus had to be sustained. The Government welcomed the report and hopes to circulate its recommendations, together with the Government's reply, to all police forces before the summer of 1990. Amongst its recommendations was a recognition that as part of the effort to increase the confidence of victims of racially motivated crime to report the incidents to the police it would be necessary to increase still further the number of officers from minority ethnic backgrounds. The Government recognizes that while the number of minority ethnic police officers is at its highest ever, it is still far too low and efforts are continuing to improve the situation. The Government has also issued detailed guidance to the police service on the effective implementation of equal opportunities

policies, which will complement the drive to recruit and retain more officers and should reinforce the police's reputation for professionalism and equality of treatment in its dealings with the public.

44. HM Inspectorate of Constabulary have continued to monitor the police response to racial attacks, including any arrangements to keep the victim informed of the progress of the case, as part of their annual inspections. In 1990, racial incidents are to be one of the core subjects to be covered in depth in the published force inspection reports. An additional staff officer to HM Chief Inspector of Constabulary has been appointed to deal with community and race relations issues. Part of the staff officer's duties are to spread "best practice" in dealing with racial incidents and encourage new methods of improving the level of reporting to the police.

45. Four forces (Leicestershire, Metropolitan, West Midlands and West Yorkshire) declared in their published force objectives that tackling racial incidents is a force priority, and other forces have done this at a divisional or sub-divisional level. The Metropolitan Police have also launched a racial harassment campaign which includes publicity showing how the police and the victim of such attacks can help each other. Following the report of the Interdepartmental Racial Attacks Group steps have been taken to institute "multi-agency" approaches to racially motivated harassment in, for example, Greater Manchester.

46. The Home Office funded pilot project in multi-agency co-operation in Newham, East London, is continuing. Having conducted surveys of the people living in the area and their fear of victimization the steering group (which comprises representatives from the police, the Home Office, the local authority and the local community) decided to launch a lightning campaign in the area of the pilot project, as part of a wider "clean-up" campaign as part of a preventative drive.

Housing

47. The report of the Interdepartmental Racial Attacks Group referred to in paragraph 40 also set out appropriate action which could be taken on a number of different fronts, including housing. It recommended that local authorities should monitor the provision of housing services by the ethnic origin of applicants and tenants and that data should be collected. It also suggested that housing departments should act to prevent harassment and adopt a policy committing them to respond to and monitor all racial incidents. Public sector landlords were encouraged to take specific steps to prevent harassment, assist victims and deal with perpetrators.

48. In 1989, based on the findings of research commissioned from Brunel University, the Department of the Environment published a good practice guide to local authorities on tackling racial violence and harassment in local authority housing. This gave local authorities practical advice based on real examples to supplement the messages of the Racial Attacks Group Report. Both documents were promulgated in a Department of the Environment circular letter sent to all local authorities in July 1989.

49. Local authorities are continuing to explore the scope for using the grounds for possession in the Housing Act 1985 against tenants guilty of racial harassment. A case in London, where Greenwich Council obtained an uncontested possession order against a tenant who admitted harassing her neighbours, received wide publicity in January 1990.

50. In 1989, the National Federation of Housing Associations - the representative body for associations in England and Wales - published a document which offered guidance on combating racial harassment in the housing association sector.

Article 5

Refugees

51. In the ninth periodic report we reported on refugee rights under this head. We updated the position in the tenth report. Generally, the position remains largely unchanged. The Government remains prepared to consider special programmes where numbers and circumstances suggest this is necessary, but the task of resettling refugees into the community falls largely to the relevant local statutory services, aided in many cases by various voluntary agencies and refugee community groups.

52. Work has continued in the area of sensitizing statutory authorities at national and local level to the needs of refugees settling in the United Kingdom. There is now a wider recognition of refugees as a distinct element within resident minority communities. Several local authorities employ refugees to work within their service departments and thus make their services more accessible to the local refugee community.

53. Since the tenth periodic report, the second of three working parties (Employment; Housing; Social Services) designed to (a) consider the problems faced by refugees, (b) help raise awareness of refugee issues, and (c) encourage better access to those services, has been established. The Housing Forum began work in September 1988. The Education, Training and Employment Forum has operated since 1986. Only the Social Services Forum remains to be established. Government officials, local authority associations and representatives of refugee agencies and communities are represented on these working parties.

54. The Government continues to fund the Refugee Council (formerly the British Refugee Council) and as a result of the 1988 grant agreement more community development work is being undertaken by the Council and regional refugee centres.

55. Since the tenth periodic report was presented to the Committee, the Government agreed, during the course of 1989, to accept a further 2,000 Vietnamese refugees from camps in Hong Kong. The first of these refugees arrived in the United Kingdom in October 1989 and the level of intake will increase as additional reception facilities are put in place. The intention is to resettle all 2,000 by June 1992. Efforts are being made to ensure that, amongst other things, Reception Centres will be available for those wishing to use them on arrival and that around two-thirds of the 2,000 will be settled in areas outside London where housing, employment prospects and Vietnamese community support are available.

56. A special community development based resettlement programme for Vietnamese refugees was grant-aided in 1988/89 and 1989/90, replacing the one which had run from 1984-1988. The Government wishes the programme ultimately successfully to integrate Vietnamese refugees into the host community to the point where such a programme will no longer be necessary but recognizes the need for a programme for the time being, given the Government's commitment to the new intake of 2,000. The programme therefore will be grant-aided from 1990/91 to 1992/93. The position beyond 1992/93 will be considered nearer that time.

Articles 5 and 6

Immigration

Legislation

57. During the period covered by this Report, the Immigration Act 1988 came into effect. This Act amends and supplements the Immigration Act 1971, which remains the main statutory basis of the United Kingdom's immigration control.

58. The 1988 Act repealed the provision - section 1 (5) - in the 1971 Act which provided that Commonwealth citizens who were settled in the United Kingdom on 1 January 1973 and their wives and children could not be adversely affected by changes in the immigration rules. Section 1 (5) had been found by the European Court of Human Rights to be sexually discriminatory, and had, with the passage of time, led to increasingly anomalous distinctions between applicants. After 1 August 1988 all applicants seeking admission to the United Kingdom as dependent relatives are subject to the same immigration rules, regardless of their sponsor's nationality or date of settlement.

59. The Act also restricts the admission of wives of polygamous marriages, so that only one wife may enter the United Kingdom in the exercise of a right of abode derived from the marriage. The Government considers that polygamy is not an acceptable social custom in the United Kingdom and that this restriction is necessary to prevent damage to community relations.

60. The Act restricts the right of appeal by persons who have been in the United Kingdom for less than seven years against a decision to deport them for overstaying or breaking the conditions of their leave to enter or remain in the United Kingdom. Such persons may only appeal on the grounds that on the facts of the case there is no power in law to deport them. Other provisions of the Act require people seeking to enter the United Kingdom and claiming the right of abode to produce documentary proof of that claim; restrict exemption from immigration control for certain non-diplomatic staff of diplomatic missions; create a continuing offence of knowingly overstaying leave to enter or remain; provide that nationals of Member States of the European Community do not require leave to enter the United Kingdom when exercising Community rights; and make provision for charging for the examination of passengers before arrival in the United Kingdom and for the grant of settlement.

Immigration rules

61. Following the passage of the Immigration Act 1988, new immigration rules (HC 388) were introduced, which replaced the rules previously in force. These rules introduced a visa requirement for nationals of Turkey and Haiti. They

also prohibited nationals of foreign countries and Commonwealth citizens who need visas to enter the United Kingdom from being given extensions of stay as students unless they had entered with an entry clearance as a student or prospective student. The new rules also allowed for the admission of the husbands of female workers on the same basis as had previously applied to the wives of male workers.

62. Statistics on the apprehension and removal of illegal immigrants are published annually by the Home Office Statistical Department. A copy of the relevant tables in the most recent Statistical Bulletin is attached at annexes E and F.

63. A number of changes have been made to our procedures for considering claims for asylum. These reflect the need to ensure that the applicant is given the opportunity to have his case fully considered, whilst ensuring that this is done without undue delay. In September 1988, it was agreed with UNHCR and the United Kingdom Immigrants Advisory Service (UKIAS) that, where it is proposed to refuse an application for asylum from a person who does not have a right of appeal exercisable within the United Kingdom, the case would normally be referred to UKIAS which would have the right to make representations. Where agreement could still not be reached, the case would be referred to Ministers for decision. Steps have also been taken to reduce backlogs of outstanding cases, in particular by the more selective use of interviews in asylum cases, so that positive decisions are now often taken on the basis of written questionnaires.

Employment

64. Whilst the Race Relations Act 1976 generally makes it unlawful to discriminate in matters concerning employment and training it does permit certain forms of positive action in particular circumstances. This action may take the form of training and encouragement. Originally under section 37 of the Act, only specified training bodies such as the Manpower Services Commission (now the Training Agency), Industrial Training Boards, and organizations designated as training bodies by the Secretary of State for Employment, could offer training for particular work for persons of a particular racial group only or encourage them to take advantage of opportunities for doing that type of work, if it could be shown that they were under-represented amongst those doing that work either in Great Britain as a whole or in a particular part of it. However section 7 of the Employment Act 1989, which came into force on 16 January 1990, amended section 37 of the Race Relations Act by removing the requirement for an organization to be designated and making it possible for any person to provide such training, subject to the criteria of under-representation and particular work being met. The Employment Act 1989 also extended the scope of section 13 of the Race Relations Act to cover discrimination during the course of employment related training as well as at the point of entry and exit.

65. The Government continues to encourage the use of sections 37 and 38 of the Race Relations Act 1976, as amended by the Employment Act 1989 (see para. 64 above). The Department of Employment's Race Relations Employment Advisory Service publicizes the positive action provisions of the Act and encourages employers to make use of them. To this end the Advisory Service has published a leaflet explaining what positive action is, a copy of which is at annex G. A background note on the Race Relations Employment Advisory Service is at annex H.

The Manpower Services Commission (MSC) now the Training Agency (TA)/The Employment Service (ES)

66. In the reporting period up to October 1987, the public employment and training services in Great Britain were run by the MSC established for that purpose under the Employment and Training Act 1973. As indicated in the previous report, in October 1987, there was a major reorganization within the Department of Employment Group, of which the MSC was a part. The MSC's network of Jobcentres and related services passed to the Department of Employment and merged with the Unemployment Benefit Service to form a comprehensive new Employment Service (ES). The ES combines the job placement, enterprise and benefit payment services previously provided separately by the two organizations. Training became the responsibility of the new Training Commission, known from September 1988 as the Training Agency. Various enterprise functions, including the Enterprise Allowance Scheme, became the responsibility of the Training Agency with effect from 2 April 1989. Detailed accounts of the way the Employment Service and the Training Agency provide for the education and training and employment needs of the ethnic minorities are contained in annexes I and J respectively.

67. As indicated in paragraph 14, the ethnic minority population in Great Britain is about 2.6 million or 4.7 per cent of the whole population. Over 1.3 million of the ethnic minority population are of Asian origin or descent (from the Indian Sub-Continent). Of the remainder, just under half a million are of West Indian or Guyanese origin or descent, and about three-quarters of a million are of "other minority" origins: Chinese, Arab, African, mixed origin and others. The greatest regional concentrations of most groups are in London and the South-East with many of the remainder in the Midlands, particularly the West Midlands. Just less than 7 out of 10 West Indians in the labour force and just over half of the Indians, live in the South-East, while around 40 per cent of the remainder of these groups live in the West Midlands. By contrast, only about one-third of the Pakistani and Bangladeshi labour force live in the South-East; the remaining two-thirds are spread fairly evenly between Yorkshire and Humberside, the West Midlands and the North-West. Overall, the age structure of the ethnic minorities is significantly lower than that of the white population. Relatively few have reached retirement age. Some 70 per cent of the West Indian population are of working age; among the white population, all Asians as a group, and "other minorities" the proportion is nearer 60 per cent. Some 20 per cent of the white population are under 16 years. Among the minority population this figure rises to between 25 per cent for West Indians/Guyanese and 45 per cent amongst the Pakistani and Bangladeshi population.

68. Economic activity rates, i.e. the proportions in or seeking work, differ between the various groups, particularly in the younger age ranges. Overall, some 75 to 85 per cent of West Indian and Asian men of working age are in the labour force, compared with 88 per cent of the white population and 73 per cent of the "other minority" groups. The gap is considerably wider among younger men. Some 85 per cent of white men aged 16-24 are economically active, compared with just over half of those in the "other minority" groups, about three-fifths of the Pakistanis and Bangladeshis and of the Indians and three-quarters of the West Indians. Among men of all ethnic groups in this age range, nearly all of those economically inactive are students. Among women, economic activity rates are lower in all ages and ethnic groups than those of men, but the lifetime pattern differs between the various groups.

Among white women the rate falls from 73 per cent for those aged 16-24 to 65 per cent in the 44-59 age group. Among West Indian women this trend is reversed, with a significantly higher rate in the 45-59 age group than in the 16-24 age group. Pakistani and Bangladeshi women are least likely to be economically active, with less than one-fifth being in the labour force. No doubt religious and other cultural factors have an influence.

69. A broad indication of the progress of the ethnic minorities in employment can be obtained by comparing their proportions in the main groups of occupations. The Labour Force Survey shows that at the top of the occupational scale about one-third (33 per cent) of white men in employment (as employees or self-employed) are in the managerial and professional group compared with 37 per cent of Asian and 15 per cent of West Indian men. This group includes people owning and managing their own small business. In the middle of the occupational scale, 29 per cent of West Indian men are in craft and similar manual occupations or foremen, compared with 25 per cent of white men and less than 20 per cent of Asian men. Forty per cent of West Indian men are in other manual occupations (including general labourers), compared with 45 per cent of Pakistani and Bangladeshi men, 27 per cent of white men and 26 per cent of Indian men in employment.

70. In terms of these broad categories, contrasts between different ethnic groups among women are less marked than among men, though women's job levels overall are below those of men. The low labour market participation rates of Muslim women preclude meaningful comparisons of the occupational levels of Pakistani or Bangladeshi women; Asian women are considered below as a single group. About a quarter of women in employment in each ethnic group are at the top of the occupational scale i.e. they are in the professional and managerial group. In the clerical and other non-manual occupations, there is a slightly higher proportion of white women (40 per cent) than for each of the other two groups (approximately one-third). Relatively few women of any ethnic group are craft manual workers or supervisors although 12 per cent of Asian women in employment fall into this category. In other (non-craft) manual occupations significant differences emerge. Thirty per cent of white women in employment have jobs at this level, compared with 34 per cent of West Indian women but only 24 per cent of Asian women in employment. There has been a significant growth in self-employment and private business activity among all ethnic groups.

71. The figures quoted in paragraphs 68 to 70 are based on averages taken from survey results for 1986, 1987 and 1988 which give a more reliable estimate of characteristics of ethnic groups than do data for a single year.

72. Unemployment rates for people of working age can, however, be quoted from a single year's Labour Force Survey. The 1988 survey showed that among men, unemployment rates were lowest for the white population (8.6 per cent) and for Indians (11 per cent) and "other minority" groups (9 per cent) and highest for West Indians (18 per cent) and Pakistanis/Bangladeshis (24 per cent). Among women, those in the white group had the lowest unemployment rate (8.4 per cent). Among Indians, the rate for women was 13 per cent, among West Indians 11 per cent, and among "other minority" groups 10 per cent. The sample of Pakistani/Bangladeshi women was too small to provide a reliable estimate. Preliminary results from the 1989 Labour Force Survey show that unemployment rates in the different ethnic groups were generally lower than in 1988. They ranged, among men, from 7 per cent in the white group and 8 per cent in the "other minority" population to 21 per cent for the

Pakistani/Bangladeshi population, and among women, from 7 per cent in the white group and 8 per cent in the "other minority" population to 14 per cent for West Indians. As in 1988, the sample of Pakistani/Bangladeshi women was too small to provide a reliable estimate.

Ethnic Minority Business Initiative

73. While the initial impetus of the initiative as previously described was to focus on the Afro-Caribbean community in particular, its scope has been widened in recent years to include other disadvantaged groups (for example, Bangladeshis in East London) through the funding of outreach workers based in a small number of mainstream enterprise agencies. Support is also given to some ethnic minority business associations and to key ethnic minority-run training organizations. In addition, the Government gives grants to local authorities who need to employ staff to give business advice etc. to certain ethnic minority communities (see para.26 - Grants Under Section 11 of the Local Government Act 1966).

74. The Initiative has hosted two conferences - in May 1989 and February 1990. These brought together ethnic minority businessmen and women, key people from the financial services sector and Government and private sector-led initiatives for business development to focus on the potential and needs of new and developing ethnic minority businesses. Following the first Conference, a small development team consisting of secondees was set up in September 1989 to act as a catalyst in selected multi-racial areas to help increase the contacts and flow of business between ethnic minority entrepreneurs and the wider community. The team's work will continue at least until 1991/92.

The Civil Service

75. The Civil Service has a policy of equal opportunity. This provides that all eligible people, irrespective of race, disability, gender or marital status, shall have equality of opportunity for employment and advancement on the basis of their ability, qualifications, and fitness for the work.

76. Over the past five years the Civil Service has carried out a programme of ethnic origin surveys of all non-industrial civil servants. A report giving the results of these surveys will be published later in 1990. Since 1 April 1989 a data base has been established which covers 75 per cent of all staff-in-post and steps are being taken to increase this. Separate arrangements are being made for the collection of ethnic origin data on industrial staff. The staff in post surveys indicate that people of ethnic minority origin make up 4.2 per cent of existing non-industrial civil servants, which is broadly in line with their representation of 3.9 per cent in the workforce as a whole. Ethnic minorities constitute 8 per cent of new entrants to the Civil Service. However, black and Asian staff are concentrated at lower grade levels and are entering the Service at lower levels than white staff.

77. The main initiative being taken to improve equality of opportunity in the area of race is a programme for action to achieve equality of opportunity for people of ethnic minority origin. The aim of the programme is to provide a framework to help departments and agencies to ensure the effectiveness of equal opportunities policy and to recruit, retain and promote the best

available people. As well as legal, moral and social considerations, this is particularly important given the need to compete for staff in the 1990s, when ethnic minorities will make up an increasing proportion of the younger labour supply. Departments and agencies will be required to draw up their own programmes of action based on their individual needs and priorities, set measurable objectives and monitor and review progress on a regular basis. The formal programme for action will be published in May 1990.

78. The Civil Service Commission has been monitoring its Executive Officer (EO) recruitment scheme since February 1986 and all its other recruitment schemes since October 1986. Research showed that the success rates of black and Asian candidates in the EO Qualifying Test (EOQT) were significantly below those of white applicants, although white and ethnic minority candidates were equally successful at interview. Analysis showed that the differences in overall test scores between the average of white and ethnic candidates were not in the main attributable to specific unfair questions. Differences in educational attainment and in residence outside the United Kingdom explained about one-third of the difference in the EOQT pass rate between white and ethnic minority candidates.

79. Action to prevent possible indirect discrimination includes research on existing selection tests and those under development to ensure that they are valid predictors of job performance for people of different racial origins.

80. In addition, access training is being developed to increase equality of opportunity in the EO selection test and to address the under-representation of ethnic minorities at EO level and above. A successful pilot training course was run in 1989 for "near miss" candidates (both white and ethnic minority) in the EOQT to increase their skill level and their chances of success in the recruitment process. A second pilot training course began in January 1990 with over 40 "near miss" candidates in the EOQT.

81. Since 1987 Departments have been minotoring recruitment schemes for clerical and support grades. A sample survey of departmental clerical recruitment to study the effect of selection procedures on the success rates of ethnic minority candidates will be published in 1990. Action has also been undertaken to raise awareness of opportunities for people of all racial groups within the Civil Service.

82. The Civil Service Commission ran a successful "image building" campaign to attract ethnic minorities in 1988 and 1989 and over that period applications from ethnic minority candidates for jobs at EO level have increased from 5.8 per cent to 12.9 per cent. Further activity will have a heavy public relations bias, and a double page editorial feature is planned in the "Voice", Britain's biggest selling black newspaper. Other planned activities include interviews on local radio and local liaison presentations to the ethnic minority communities. A comprehensive nationwide schools liaison network, comprising some 800 serving civil servants, was established in November 1989 and action is being taken to involve ethnic minority staff in work of this kind. More is also being done to ensure that schools and colleges with high proportions of ethnic minority students are covered by careers liaison work.

83. A review of equal opportunities training to identify and spread good practice was carried out in 1988 and 1989. Following on from the review a network of trainers across the Service will be set up to help improve the

quality and quantity of training provision in equal opportunities. A practical project will also be undertaken in 1990/91 to develop the skills of trainers in this area and improve the design of certain targeted areas of training, for example to include equal opportunities in recruitment and selection training.

84. Other measures being taken include the monitoring of personnel procedures to identify possible barriers to equality of opportunity and measures to overcome them; increasing ethnic minority representation on selection boards and providing equal opportunities training for key decision makers at different levels. The decision to include an ethnic question in the 1991 Census (referred to in para.16) will provide better comparison data on different ethnic groups in the population, against which to assess progress towards the achievement of equality of opportunity.

Housing

Legislation

85. Following proposals from the Commission for Racial Equality (CRE) the Government has taken powers, in the Housing Act 1988 and the Local Government and Housing Act 1989, for the CRE to issue statutory codes of practice in the field of housing. The codes, which will be admissible as evidence in court proceedings, will explain the operation of the Race Relations Act 1976 in relation to housing and will give examples of good practice in implementing equal opportunities policies in the field of race. The first code of practice, covering rented housing, has been the subject of widespread consultation and is expected to be issued later in 1990.

86. Over the past two years the CRE have published a number of reports. Of particular significance were the reports of their formal investigations into the housing policies of Liverpool City Council and Tower Hamlets Council in London, resulting in the service of statutory notices on those councils requiring anti-discrimination measures to be taken, and the report of their research into race and housing in Glasgow.

87. The Housing Act 1988 and the Housing (Scotland) Act 1988 extended to the Housing Corporation, Tai Cymru and Scottish Homes the duty originally placed on local authorities by the Race Relations Act 1976 to seek to eliminate racial discrimination and promote equality of opportunity. The Housing Corporation and Tai Cymru are the statutory agencies in England and Wales respectively which promote, supervise and fund housing associations to provide low cost homes for those in housing need, and the new duties imposed on them reflect the increased role in housing provision which the housing association movement is now expected to play.

88. In January 1990, the Housing Corporation issued a circular outlining its own racial equality strategy and giving advice on its expectations of housing associations in England. More generally, the Corporation is midway through its five-year programme aimed at improving the housing prospects of the black and ethnic minority communities, and in early 1990 will be considering the results of a region by region survey of progress made to date and of the future capital and revenue funding needs of associations in this programme.

89. Scottish Homes was established under the Housing (Scotland) Act 1988. Its functions are to improve the supply, quality and choice of housing, housing management, and the environment and to promote and assist housing associations, in Scotland. Scottish Homes has prepared guidance, which will be issued shortly to housing associations, reaffirming its commitment to racial equality. Scottish Homes is also currently working up a policy on racial equality in relation to its own housing stock.

Birmingham

90. The tenth periodic report provided the Committee with information about the housing situation in Birmingham. The following is an update of that information.

91. The city of Birmingham is the largest housing authority in England with over 115,000 council-owned dwellings out of a total stock of over 390,000. An estimated 6,000 council-owned dwellings are statutorily unfit with a further 67,000 in need of improvements. In the private sector, nearly 20,000 are unfit and 50,000 in need of improvements. The priorities within the council's stock are the 426 highrise blocks which suffer from structural problems, 226 of which are in need of urgent attention. Low- and medium-rise dwellings of non-traditional construction of which the city has about 24,000 also have major structural problems. In the private sector, the city is concentrating resources on more than 100,000 pre-1919 traditional dwellings which it has, mainly in the inner areas.

92. Around £30 million per annum is spent on the city's urban renewal programme for private housing in the inner areas. The programme concentrates resources for improvement grants in declared Housing Action Areas and 13 of these areas exist at present, covering approximately 4,500 dwellings. Members of the ethnic minorities account for about 45 per cent of the households in these areas. In the last 4 years, 18 repair schemes in Housing Action Areas costing over £18 million have been approved for repairs to over 2,300 dwellings. Three further schemes costing over £3.5 million are being considered. Approximately 55 per cent of the householders who benefit are from ethnic minorities. The work is carried out free of charge to owners and Birmingham receives a subsidy of 75 per cent of the costs from the Government.

93. There are, in addition, a large number of housing associations operating in the inner city areas specializing in providing housing for rent and for sale to people in need. Some concentrate mainly on ethnic minority groups and some are run by members of ethnic minorities. Funding is mainly by the Government in the form of Housing Association Grant.

94. An innovative "local labour" housing initiative was launched in 1985 in Handsworth. Government departments, Birmingham City Council and a major construction company co-operated in refurbishing 38 run-down houses, using only local labour and sub-contractors. Approximately 40 local jobs and 24 trainees of Afro-Caribbean and Asian origin were taken on. The great majority of the trainees gained jobs in the construction industry on completion of their training. A number of local firms also benefited through sub-contracting. The contract which ended in August 1988 is currently being evaluated.

Personal Social Services and Health

Social Services

95. In addition to information given in the tenth periodic report, the Department's Social Services Inspectorate has, for the past four years, carried out inspections and organized development activities aimed at promoting race equality within Local Authority Social Services Departments. The Inspectorate produced a report in November 1988 - "Social Services in a Multi-Racial Society" - which highlighted some of the key issues raised during a programme of inspections carried out in 1986/87. It will continue to promote developments in personal social services agencies throughout its work and by undertaking further inspections and development projects aimed particularly at services for black and minority ethnic people.

Health

96. The Government is fully committed to promoting equal opportunities in health service delivery and health care employment. This involves positive action to take account of differences in language, culture and religion. The Department of Health has been pursuing initiatives to improve the quality of health care for ethnic minorities and to promote their understanding of the health services which are available.

97. The Department has introduced examination of ethnic minority issues into its annual review process of individual Regional Health Authorities and Family Health Service Committees. A report "Action not Words" of the National Association of Health Authorities, financed by the Department, has been welcomed by it as a means of promoting greater understanding of the health care needs of ethnic minorities. A programme of seminars has been organized for health authority staff to make them aware of the findings of the report.

98. The Department is also providing £1 million over three years for the production of health information materials in various ethnic minority languages. By involving existing national voluntary organizations initially, and then extending projects to local community groups, the Department hopes to overcome barriers to effective service delivery. Leaflets, booklets and videos have been commissioned on a wide range of subjects including mental health care, pregnancy, sickle cell disease and thalassaemia.

99. The Department has funded voluntary organizations to develop "good practice" packages in a number of areas such as mental health, maternity care, care of handicapped adults and children. A particular example is the work of Nafsiyat in North London. The organization which is financed partly by the Department and partly by local authorities, provides a national training programme in transcultural psychiatry for health and social services staff in addition to its day-to-day work providing psychotherapy services to people from ethnic minorities.

100. On AIDS, there is now an ethnic telephone information and advice service in (among other languages) Bengali, Hindi, Gujerati, Punjabi and Urdu and other resources in different languages.

Social Security

101. The Department of Social Security (DSS) aims to provide members of ethnic minority groups with effective access to the whole range of information about the social security system; to ensure they understand their rights; and to ensure they can make informed decisions about claiming. Most offices in areas with significant ethnic minority communities have members of those communities on their staff. These, supported by claimants' friends, relatives and ethnic minority community support groups, can normally provide an effective service. The "Which Benefit?" leaflet, which outlines the whole range of social security benefits, is available in seven ethnic minority languages: Urdu, Punjabi, Gujerati, Hindi, Bengali, Chinese and Turkish. In addition, a free telephone service in Urdu and Punjabi provides general advice and information about the whole range of benefits. The Department has set up a pilot project in the Leeds/Bradford area to provide a permanent in-house interpreter and liaison service. It is also monitoring an experiment using independent interpreters on a fee basis in the London area.

Commission for Racial Equality (CRE)

102. Information about the structure and role of the Commission for Racial Equality is contained in Part II of the sixth periodic report. Copies of the CRE's Annual Reports for 1987 and 1988 are attached (annex K). These provide full details of the CRE's legal status, role, membership and procedures as well as an indication of the range of activities and initiatives undertaken in these years.

Assistance by the CRE in proceedings under the Race Relations Act 1976

103. The Race Relations Act gives the CRE discretion to assist an individual who is an actual or prospective complainant where the case raises a question of principle; where it is unreasonable, having regard to the complexity of the case or the position vis-à-vis the other party to expect the individual to deal with the case unaided; or where some other consideration applies. The CRE has, however, no special position before a court or tribunal in relation to any proceedings in which it is assisting an individual. Details of cases in which assistance was given in 1987 and 1988 are contained in the CRE's Annual Reports for those years (annex K).

CRE proposals for amendments to the Race Relations Act 1976

104. The CRE has a statutory duty to keep the work of the 1976 Act under review. Following a consultation exercise referred to in the eighth periodic report, the CRE submitted proposals for amendments to the Act to the Home Secretary in June 1985. A copy of the proposals was attached as annex G of the ninth periodic report. The CRE has since identified three specific changes to the law which are in its view needed. They concern the widening of the definition of indirect discrimination, class actions and the prescription of ethnic record keeping. The Government is currently considering these. The Government is ready to consider legislation to correct harmful deficiencies in the law where it is satisfied they exist but there is no immediate prospect of legislation to amend the Race Relations Act as a whole. Examples of amendments to the Act which have been made since submission of the tenth periodic report are given in paragraph 1.

Review of the work of the CRE

105. The eighth and ninth periodic reports referred to a review of the CRE which the Home Office was undertaking to assess the effectiveness, efficiency and economy with which the Commission carried out its work. The main conclusion of the review, which was completed in 1985, was that there was a need for more effective planning arrangements, and these continue to be implemented.

Industrial Tribunals

106. Complaints relating to discrimination in employment matters are dealt with by industrial tribunals. An individual may complain to an industrial tribunal within three months of the date of the act complained of. However, a tribunal has discretion to consider a complaint which is out of time if, in all the circumstances of the case, it considers it just and equitable to do so. Where the tribunal decides in favour of the complainant it may award such of the following remedies as it considers just and equitable: (a) an order declaring the rights of the parties; (b) an order requiring the respondent to pay the complainant compensation; (c) a recommendation that the respondent take a particular course of action. If, without reasonable justification, the respondent fails to comply with a recommendation, the tribunal may increase any compensation previously awarded or award compensation if none was previously awarded. (The amount of compensation which may be awarded to complainants is now subject to a current overall limit of £8,925.)

Article 7

Community radio

107. On 19 January 1988, the Government announced plans for the future of radio broadcasting in the United Kingdom. The Government recognizes in particular that there are worthwhile aspirations for the development of community radio. It wishes to put in place an enabling framework for the development of a rich variety of services capable of meeting a wide range of tastes and interests including those of ethnic minority groups.

108. The Government has now introduced a Broadcasting Bill which will pave the way for a new Radio Authority to introduce community stations across the country under a light regulatory régime. Stations catering for small neighbourhoods, ethnic minorities and other communities of interest will all be possible. The new Radio Authority should be able to start issuing licences in 1991. The Authority was set up in shadow form on 1 January 1990.

109. In advance of the legislation, it was agreed in November 1988 that the IBA could award contracts for 23 new community radio stations under the provisions of the 1981 Broadcasting Act. The IBA has allocated seven of the contracts to stations which will cater specifically for ethnic minority communities. The first ethnic minority community stations are now on air.

Education

110. The Government remains committed to playing its part, within the framework of the United Kingdom's devolved system of education described in earlier reports, in encouraging the education service to improve its response to cultural and ethnic diversity. It has continued to build on the policy

developments outlined in the last report following the Report of the Committee of Inquiry into the Education of Children from Ethnic Minority Groups, chaired by Lord Swann, which was published in March 1985.

111. The Government accepted the Swann Committee's conclusion that the number of teachers from ethnic minority backgrounds was to low. The Government also agree with the Committee's view that the main source of supply of ethnic minority teachers in future should come from the young people who have completed their school or higher education studies in the United Kingdom with conventional qualifications. To this end, teacher recruitment publicity, produced on behalf of the Department of Education and Science by the Teaching as a Career Unit, now better reflects the desirability of increasing the proportion of ethnic minority teachers in the teaching force.

112. In addition, the Government has accepted that there is scope for specific initiatives. The Department of Education and Science has continued its work with a number of initial teacher training institutions with a view to establishing more courses likely to attract ethnic minority applicants who have language skills and overseas or higher education qualifications. In particular, three Postgraduate Certificate of Education (PGCE) primary courses for students with ethnic minority community language skills have been developed since 1987. There are also currently three shortened Bachelor of Education (BEd) primary degree courses in operation, and a further two courses are under discussion with a view to starting in September 1990. At secondary level there are four PGCE courses operating for teachers of ethnic minority community languages as modern foreign languages, with one of these courses offered on a part-time basis. The extension of these innovative courses, and the encouragement given to the traditional teacher training courses to adopt a multi-cultural perspective, demonstrates a commitment to ensuring that the teaching force reflects, and is also more aware of, ethnic diversity in our schools and in society at large.

113. The Government also accepted the recommendation of the Swann Committee that the policy of increasing the supply of ethnic minority teachers should be based on accurate statistical information and be monitored through it. Arrangements for collecting ethnically based statistics on school teachers were set out in circular 8/89, issued to local education authorities (LEAs) and other interested bodies in April 1989. Commencing in January 1990, LEAs are required to provide, annually, aggregate and anonymous data on the ethnic composition of their school teacher force.

114. The Government continues to promote and support the training of serving school teachers to increase their awareness of ethnic diversity through the Local Education Authority Training Grants Scheme (LEATGS). Training in "teaching and the planning of the curriculum in a multi-ethnic society" was again a national priority area in 1988/89. Some £1 million of expenditure in this area was grant-aided under the national priority scheme, with additional funding from LEAs drawing on their grant allocation for local priority training and other sources. In 1988 a similar national priority area was introduced for the further education sector which in 1989/90 supported £1.1 million of expenditure. In 1989/90 the schools sector support for training in this area was subsumed within the national priority area "training for the National Curriculum: Content".

115. The Commission of the European Communities (EC) has continued to fund a project at the University of Nottingham aimed at supporting linguistic diversity in the primary classroom through the development of in-service training courses for teachers and teacher trainers.

116. In July 1986, the Government announced that it had accepted the recommendations of the Working Group established to explore the issues involved in collecting ethnically based statistics on school pupils. All Local Education Authorities (LEAs) will be required to provide aggregate and anonymous data showing the ethnic origin, mother tongue and religious affiliation of school pupils. Information will be provided by parents and pupils on a voluntary basis and confidentiality is assured. Pilot exercises were undertaken in the 1987/88 academic year in four LEAs - Berkshire, Bradford, Cleveland and Wolverhampton - and the first national data return will cover school admissions during the academic year 1990/91.

117. In 1988, the Government also consulted interested bodies about the collection of data on the ethnic origin of students in higher and further education. There was general support for the collection of data on a voluntary and continuing basis. Information on the ethnic origin of United Kingdom domiciled students applying for admission to higher education courses under the Universities Central Council on Admissions and Polytechnics Central Admissions System schemes will be collected with effect from the autumn 1990 entry. For the universities, the data will be duly reflected in the statistics of students available from the Universities Statistical Record (USR). They will be mirrored by information collected directly by the Department's Further Education Statistical Return (FESR) on the ethnicity of all further and higher education students in polytechnics and colleges.

118. The Government shares the concern expressed by the Swann Committee, and by CERD in its consideration of the Government's ninth periodic report, about under-achievement among certain ethnic minority groups. A fundamental objective of the Education Reform Act 1988 is to raise standards for all pupils. The implementation of the National Curriculum and arrangements, through assessment and testing, for monitoring pupils' performance and progress, will provide a foundation for improvement.

119. The ethnic, cultural and linguistic diversity of the school population and society at large is being taken into account, both in preparing attainment targets and programmes of study for subjects included in the National Curriculum and in formulating the associated assessment arrangements. The remits to the National Curriculum Council and the School Examinations and Assessment Council require them in exercising their functions to take account of the ethnic and cultural diversity of British society and the importance of promoting equal opportunities for all pupils regardless of ethnic origin and gender.

120. The Government attaches importance to meeting the particular educational needs of ethnic minority pupils, to ensure that they are given the same opportunities as others to benefit from what schools can offer. In this regard, top priority continues to be attached to equipping all children whose mother tongue is not English with a good command of English. Without it, they will be unable to participate on equal terms at school or in society. The Government continues to offer substantial funding through grants made under

section 11 of the Local Government Act 1966 to support the teaching of English as a second language in schools and colleges. Good practice continues to be promoted and disseminated by HM Inspectorate.

121. The Government acknowledges that the educational and cognitive development of pupils whose mother tongue is not English can be significantly assisted by mother tongue support in the early years of primary schooling. It continues to support the employment of bilingual teachers and classroom assistants through section 11 grants.

122. The Government has continued to work to ensure that the education provided in school takes account of the ethnic and cultural diversity found in the United Kingdom. It has continued to provide funding under the Education Support Grant scheme for pilot projects related to meeting educational needs in a multi-ethnic society. Some 66 projects costing £2.7 million are receiving support in the current financial year (1989/90). Activities include the establishment of resource centres; curriculum development and work to produce teaching materials; in-service training of teachers; and some activities specifically designed to promote good race relations, for example by organizing exchange visits through twinning schemes between schools with high and low numbers of ethnic minority pupils. There have been three rounds of this Education Support Grant: 1985/86, 1986/87 and 1988/89. Projects are funded for a finite period, usually three-five years, and funding for the majority of projects approved under the early rounds has now ceased.

123. Developments in further education (FE) have included the commissioning of the Further Education Unit to develop and produce a FE staff development resource package (published in 1988) designed to enable college staff to respond more effectively to ethnic diversity; and also to provide ongoing guidance and support to LEAs and colleges in the planning, organization and delivery of their staff development programmes funded through the Local Education Authority Training Grants Scheme (LEATGS).

124. Access courses are playing an increasingly important part in enabling adults from ethnic minority groups who lack the traditional entry qualifications, though possessing valuable experience and potential, to enter higher education. Following the publication of the White Paper "Higher Education: Meeting the Challenge", the Government has supported the establishment of a national framework for the recognition of access courses. This is giving further impetus to the development of such courses and to the admission of their students to higher education. A recent survey indicated that there are now nearly 600 access courses across the country and that many of them are specifically targeted at ethnic minority students.

ANNEXES 1/

A. Northern Ireland - Highest level of school leavers' qualifications by denomination 1983/84 and 1987/88.

B. Population by ethnic group, Great Britain, 1981 and 1986-1988 average.

C. Population by ethnic group and nationality, Great Britain, 1986-1988 average.

D. Report of the Interdepartmental Racial Attacks Group - The Response to Racial Attacks and Harassment: guidance for the statutory agencies.

E. Persons Dealt with as Illegal Immigrants 1987-1989.

F. United Kingdom - Deportation Action 1987-1989.

G. What is positive action?

H. The Race Relations Employment Advisory Service.

I. The Employment Service - Racial Discrimination in Employment.

J. The Training Agency - Racial Discrimination in Employment.

K. Commission for Racial Equality's Annual Reports 1987 and 1988.

1/ Copies of these annexes in English are available in the files of the secretariat for consultation by the members of the Committee.